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10/510,391	10/07/2004	Jonathon Leigh Napper	NPW012NPUS	6473

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SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA

EXAMINER
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CHOJNACKI, MELLISSA M

ART UNIT	PAPER NUMBER
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2164

NOTIFICATION DATE	DELIVERY MODE
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11/16/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pair@silverbrookresearch.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/510,391	<b>Applicant(s)</b> NAPPER ET AL.	
	<b>Examiner</b> MELLISSA M. CHOJNACKI	<b>Art Unit</b> 2164	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20-December-2009 has been entered.

### **Remarks**

2. In response to communications filed on December 20, 2009, no claims are cancelled; claims 1, and 17 have been amended, and no new claims have been added. Therefore, claims 1-23 are still presently pending in the application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti et al. (U.S. Patent No. 5,832,474), in view of Hull et al. (U.S. Patent No. 6,018,591).

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As to claim 1, Lopresti et al. teaches a method of improving accuracy in searching digital ink stored in a database accessible by a processing system (See abstract; column 2, lines 60-67; column 3, lines 1-28), the method comprising:

receiving, as input digital ink in the processing system the search input query having a specialized format which contains different formats of the individual characters of the input digital ink (See column 2, lines 43-59; column 3, lines 16-33, wherein “matching patterns” indicates individual characters exist within the special and temporal components);

determining, in the processing system, the different formats of the individual characters of the input digital ink (See column 3, lines 16-28, where “patterns” is read on “format”);

searching the database for a match to the search input query by utilising the processed input digital ink and selected digital ink searching algorithms (See column 2, lines 60-67; column 3, lines 1-2, lines 16-28; column 13, lines 11-18); and

returning any matches to the search input query as a search result (See column 3, lines 16-28).

Lopresti et al. does not explicitly teach selecting, in the processing system and from a plurality of different digital ink searching algorithms which are each specialized to the respectively different formats of the individual characters of the input digital ink, a digital ink searching algorithms which are specialized to the determined formats of the individual characters of the input digital ink;

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processing, in the processing system, the input digital ink in accordance with the selected digital ink searching algorithms, the processing including segmenting the input digital ink into feature vectors, the segmenting being specific to the specialized format of the search input query.

Hull et al. teaches Scribble Matching (See abstract), in which he teaches selecting, in the processing system and from a plurality of different digital ink searching algorithms which are each specialized to the respectively different formats of the individual characters of the input digital ink, a digital ink searching algorithms which are specialized to the determined formats of the individual characters of the input digital ink (See abstract; column 1, lines 51-67; column 2, lines 1-5; column 4, lines 25-57); processing, in the processing system, the input digital ink in accordance with the selected digital ink searching algorithms, the processing including segmenting the input digital ink into feature vectors, the segmenting being specific to the specialized format of the search input query (See abstract; column 1, lines 51-67; column 2, lines 1-5; column 4, lines 25-57).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Lopresti et al., to include selecting, in the processing system and from a plurality of different digital ink searching algorithms which are each specialized to the respectively different formats of the individual characters of the input digital ink, a digital ink searching algorithms which are specialized to the determined formats of the individual characters of the input digital ink; processing, in the processing system, the input digital ink in accordance with the selected digital ink searching algorithms, the

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processing including segmenting the input digital ink into feature vectors, the segmenting being specific to the specialized format of the search input query.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lopresti et al., by the teachings of Hull et al. because selecting, in the processing system and from a plurality of different digital ink searching algorithms which are each specialized to the respectively different formats of the individual characters of the input digital ink, a digital ink searching algorithms which are specialized to the determined formats of the individual characters of the input digital ink; processing, in the processing system, the input digital ink in accordance with the selected digital ink searching algorithms, the processing including segmenting the input digital ink into feature vectors, the segmenting being specific to the specialized format of the search input query would circumvents the problems of full handwriting recognition by matching scribbles according to topological and/or temporal features and achieves relatively high matching rates (See Hull et al., column 2, lines 18-21).

As to claim 2, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined automatically, based on the digital ink to be searched (See Lopresti et al., column 3, lines 16-28).

As to claim 3, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined automatically, based on the search input query

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(See Lopresti et al., column 3, lines 16-28).

As to claim 4, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined automatically, based on information contained in a document associated with the digital ink to be searched (See Lopresti et al., column 3, lines 16-28).

As to claim 5, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined manually, by a user selecting the specialized format of digital ink (See Lopresti et al., column 3, lines 16-28).

As to claim 6, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined manually, by a parameter associated with the system processing the digital ink (See Lopresti et al., column 3, lines 16-28, where “spatial and temporal components” is read on “parameter”).

As to claim 7, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined automatically, based on a font contained in the document associated with the digital ink to be searched (See Lopresti et al., column 3, lines 16-28; column 8, lines 13-61).

As to claim 8, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined based on a document label or document

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setting associated with the digital ink (See Lopresti et al., column 8, lines 13-61; column 11, lines 61-67).

As to claim 9, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined based on a document field label associated with the digital ink (See Lopresti et al., column 8, lines 13-61; column 11, lines 61-67).

As to claim 10, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined based on a document field attribute associated with the digital ink (See Lopresti et al., column 8, lines 13-61; column 11, lines 61-67).

As to claim 11, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined based on an analysis of the characteristics of the digital ink to be searched (See Lopresti et al., column 8, lines 13-61; column 11, lines 61-67).

As to claim 12, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined based on a written language or script of the digital ink to be searched (See Lopresti et al., column 8, lines 13-61; column 11, lines 61-67).



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As to claim 13, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined based on a written character set of the digital ink to be searched (See Lopresti et al., column 8, lines 13-61; column 11, lines 61-67).

As to claim 14, Lopresti et al. as modified, teaches wherein the specialized format of digital ink is determined based on differentiating written text from drawings in the digital ink to be searched (See Lopresti et al., column 8, lines 13-61; column 11, lines 61-67).

As to claim 15, Lopresti et al. as modified, teaches wherein the search input query is of a type from the group of: textual; numerical; alphanumerical; pictorial; or graphical (See Lopresti et al., column 3, lines 16-28; column 8, lines 13-61; column 11, lines 61-67).

As to claim 16, Lopresti et al. as modified, teaches wherein an indicating label of the specialized format of digital ink is stored with the digital ink (See Lopresti et al., column 3, lines 16-28; column 8, lines 13-61; column 11, lines 61-67).

As to claim 17, Lopresti et al. teaches a system for improving accuracy in searching digital ink (See abstract), the system comprising:

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(1) an input device to receive a search input query as digital ink having a specialized format, the specialized format having a unique text structure which contains different formats of the individual characters of the input digital ink (See column 2, lines 43-59; column 3, lines 16-33, wherein “matching patterns” indicates individual characters exist within the special and temporal components);

(2) a storage device to store the searchable digital ink (See column 4, lines 4-15);

(3) at least one processor in communication with the storage device (See column 4, lines 4-30), the at least one processor being loaded with a plurality of different digital ink searching algorithms which are each specialized to the respectively different formats of the individual characters of the input digital ink (See column 2, lines 60-67; column 3, lines 1-28), the processor being configured to:

(A) determine the different formats of the individual characters of the of digital ink (See column 3, lines 16-28, where “patterns” is read on “format”);

(B) select a digital ink searching algorithms which are specialized to the determined formats of the individual characters of the input digital ink (See column 2, lines 60-67; column 3, lines 1-2, lines 16-28; column 13, lines 11-18); and,

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(D) search the digital ink for matches to the search input query by utilising the selected digital ink searching algorithms (See column 2, lines 60-67; column 3, lines 1-2, lines 16-28; column 13, lines 11-18); and, (4) an output device to display one or more search results (See column 7, lines 1-6).

Lopresti et al. does not explicitly teach process the input digital ink in accordance with the selected digital ink searching algorithm, the processing including segmenting the input digital ink into feature vectors, the segmenting being specific to the specialized format of the input digital ink.

Hull et al. teaches Scribble Matching (See abstract), in which he teaches process the input digital ink in accordance with the selected digital ink searching algorithm, the processing including segmenting the input digital ink into feature vectors, the segmenting being specific to the specialized format of the input digital ink (See abstract; column 1, lines 51-67; column 2, lines 1-5; column 4, lines 25-57).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Lopresti et al., to include process the input digital ink in accordance with the selected digital ink searching algorithm, the processing including segmenting the input digital ink into feature vectors, the segmenting being specific to the specialized format of the input digital ink.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lopresti et al., by the

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teachings of Hull et al. because process the input digital ink in accordance with the selected digital ink searching algorithm, the processing including segmenting the input digital ink into feature vectors, the segmenting being specific to the specialized format of the input digital ink would circumvents the problems of full handwriting recognition by matching scribbles according to topological and/or temporal features and achieves relatively high matching rates (See Hull et al., column 2, lines 18-21).

As to claim 18, Lopresti et al. as modified, teaches wherein the input device is a pen-based input device (See Lopresti et al., abstract; column 1, lines 12-16).

As to claim 19, Lopresti et al. as modified, teaches wherein the input device is a keyboard or keypad (See Lopresti et al., column 1, lines 44-45).

As to claim 20, Lopresti et al. as modified, teaches wherein the output device is a printer or a visual display (See Lopresti et al., column 7, lines 1-6).

As to claim 21, Lopresti et al. as modified, teaches wherein the digital ink is associated with one or more of a document label, a document setting, a document field label or a document field attribute, and the specialized format of digital ink is determined from one or more of the document label, the document setting, the document field label or the document field attribute (See Lopresti et

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al., column 3, lines 16-28; column 8, lines 13-61; column 11, lines 61-67).

As to claim 22, Lopresti et al. as modified, teaches wherein the at least one processor determines the specialized format of digital ink based on user input to the input device (See Lopresti et al., column 3, lines 16-28; column 8, lines 13-61; column 11, lines 61-67).

As to claim 23, Lopresti et al. as modified, teaches the system as claimed in claim 17, the at least one processor adapted to perform the method of any one of the claims 1 to 16 (See Lopresti et al., column 4, lines 16-30).

### ***Response to Arguments***

5. Applicant's arguments filed on December 20, 2009, with respect to the rejected claims 1-23 have been fully considered but they are not found to be persuasive:

In response to applicants' arguments regarding "***claims 1 and 17, and claims 2-16 and 18-23, is not disclosed or suggested by Lopresti in view of Hull, because unlike the claimed invention in which the different specialized digital ink searching algorithms are selected to process the different specialized formats of the individual characters of the input digital ink, Hull merely discloses using syntactic, word matcher and elastic matcher algorithms on scribbled characters, which are clearly all of the same format,***" the arguments have been fully considered but are not found to be

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persuasive, because there is no distinction between the formats disclosed within the claim language as written and the prior in terms of "formats". Hull discloses using three different types of algorithms to distinguish scribble matching (See abstract). "Format" is not defined within the claims and therefore, can be read on scribbles because scribbles are not the same and because three different types of algorithms must be used to match the scribbles indicates that the scribbles are not the same. Examiner suggests amending the claim language to define what it is meant by format in order to overcome the prior art of record.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELLISSA M. CHOJNACKI whose telephone number is (571)272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 22, 2010

Mmc

/Charles Rones/  
Supervisory Patent Examiner, Art Unit 2164